

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO:	FP/261/17/HH
LOCATION:	2 Second Avenue Felpham PO22 7LJ
PROPOSAL:	Single storey front garage extension & first floor rear extension with juliet balcony.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A modest single storey internal garage extension 1.3 metres in length at the front of a two storey house and a first floor extension to a 8.8 metre ground floor outrigger extension at the rear of the property incorporating a Juliet balcony on the south side. The first floor rear extension would have a tiled hip roof with a ridge height 50 cm below the main roof ridge height with eaves on the south side 5.1 metres in height and on the north side at 3.9 metres in height. The first floor extension would consist of a bedroom with side facing windows (juliet balcony to the south side and hi level velux windows 1.7 metres above finished floor level to the north side facing 4 Second Avenue), a dressing room with a side south facing window and an ensuite bathroom with rear facing windows At ground floor level the proposal for the rear extension includes the installation of full length bi fold doors 5.5 metres long in the south side elevation and 3.2 metres in the rear elevation. These bi fold door alterations would however not require planning permission and were not restricted under the original planning permission for the ground floor extension at the rear (FP/72/01/).
SITE AREA	0.04 hectares
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence to side and rear boundaries. A 1.2 metre wall and 2.5 metre hedging behind on the front boundary.
SITE CHARACTERISTICS	A two bedroom detached property with generous front, rear and south side gardens. It has a number of large sheds in the rear garden. A planning permission has been granted for a new 2 storey house in the side garden (FP/127/17/PL) on the south side of the property which would leave the host property

with no gardens to the side.

CHARACTER OF LOCALITY

A residential area of Felpham consisting of bespoke designed detached houses with generous front gardens/driveways and large rear gardens.

RELEVANT SITE HISTORY

FP/127/17/PL - Proposed detached two storey dwelling - Approved

FP/72/01/ - Single storey rear extension - Approved

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None

COMMENTS ON REPRESENTATIONS RECEIVED:

N/a

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

N/a

POLICY CONTEXT

Designation applicable to site:

PD RESTRICTION

ADOPTED LOC PLN

TREE PRES ORDER

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
DEV19	Extensions to existing residential buildings

[Publication Version of the Local Plan \(October 2014\):](#)

SD SP2	Built -Up Area Boundary
D DM1	Aspects of Form and Design Quality

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Felpham NDP has policy ESD1 which is relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the

adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

Within the built up area the principle for development is agreed subject to the relevant Development Plan policy

DESIGN AND VSUIAL AMENITY

The modestly sized front garage extension would match protruding ground floor development across the rest of the house filling in a recessed corner in front of the existing ground floor garage. It would have a lean to roof to match the existing ground floor protrusion and be constructed of materials to match.

The rear first floor extension would be a large addition to the property however it would not be directly visible from the street and as a result would not have a significant impact on the street scene. Its design would match that of the existing dwelling house and would be constructed of materials to match.

Overall the two extensions retain the appearance of the dwelling as a detached two storey house and are not considered to be an overdevelopment of the site. The development would appear in character with the street scene and surrounding environment owing to the design and scale of the proposal which as stated above is considered to maintain the character of this dwelling as a large detached single family dwelling.

The development as a whole with respect to design and residential amenity is considered to comply with policies GEN7 & DEV 19 of the Arun District Local Plan and policy ESD1 of the Felpham Neighbourhood Plan

IMPACT ON RESIDENTIAL AMENITY

The garage extension to the front is of a modest size and would not project beyond the front elevation of the closest neighbouring dwelling and is not considered to have an impact on neighbours residential amenity.

The first floor rear extension has three potential impacts, 1) overbearing impact, 2) loss of daylight/sunlight 3) loss of privacy at 4 Second Avenue to the north side and on the dwelling which has been granted planning permission under FP/127/17/PL to the south side. The properties to the rear of 2 Second Avenue 19 & 21 First Avenue are set in excess of 30 metres from the rear elevation of the proposed first floor extension and there is not considered to be any significant impacts on their residential amenity as a result.

Overbearing impact & loss of daylight

The first floor extension would be visible from side and rear facing windows at 4 Second Avenue. 4 Second Avenue is directly to the north of the applicant's property and the proposed first floor extension. It would be directly visible from the side windows of the rear conservatory and a side window at ground floor level in the main house. Both these windows are located approx. 7.5 metres from the northern elevation of the propose first floor extension boundary which would have a 3.9 metre eaves height. There is also a first floor window in the side elevation of an existing outrigger two storey rear extension at 4

Second Avenue to the north of the rear elevation which would directly facing the proposed extension at a distance of 14.1 metres.

The eaves height of the north side of the proposed extension has been reduced to 3.9 metres to lessen the impact of the new first floor extension on 4 Second Avenue and given the separation distances and the secondary nature of the ground floor side facing conservatory windows it is not considered that the impact of the proposed first floor extension would significantly harm the residential amenity of 4 Second Avenue with respect to overbearing impact and loss of daylight/sunlight.

The Council uses the 45 degree rule to assess overbearing impacts and loss of daylight and sunlight to neighbouring windows. The rear facing windows of 4 Second Avenue and of the proposed new dwelling approved under file reference FP/127/17/PL would be impacted however in both cases the new first floor extension would not breach a 45 degree line drawn from the centre of the rear facing windows and therefore with respect to the rear facing windows no significant adverse overbearing impact or loss of daylight would be caused as a result.

In addition, at 4 Second Avenue there is already a large double garage structure in the rear garden along the shared boundary which has a far greater impact on the rear facing windows of that property than the proposed first floor extension would have.

Privacy

The privacy of 4 Second Avenue would be protected due to the height of the velux windows in the north facing pitch of the roof being above 1.7 metres from the finished floor level at first floor.

The privacy of the rear garden area immediately to the rear elevation of the newly approved dwelling approved under file reference FP/127/17/PL would be affected by the south facing Juliet balcony at first floor level in the side elevation of the proposal however there would be no direct overlooking from the Juliet balcony into the rear habitable room windows of the new dwelling. There would be 6 metres to an intervening 1.8 metre boundary fence and a further 2 metres to the closest edge of the rear bi fold doors from the Juliet balcony. The loss of privacy caused to the dwelling approved under file reference FP/127/17/PL is not considered to be such that the proposal is contrary to policy GEN 7 and DEV 19 with respect to overlooking and loss of privacy. The approved new dwelling is in the ownership of the dwelling subject of this application and any future purchaser would be aware of this relationship.

In summary with respect to 1) overbearing impact, 2) loss of sunlight/daylight and 3) loss of privacy caused the proposed rear first floor extension is considered acceptable and to comply with policy DEV 19 and GEN 7 of the Arun District Local Plan.

PARKING

The internal garage is to be retained with the front extension making up for its partial conversion to a shower and toilet. There are two off-street spaces on the driveway which are being retained. Two off-street spaces for a four bedroom house meets WSCC parking standards. The extension is not considered likely to generate significant on street parking should it be constructed.

The application is recommended for conditional approval.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

Proposed Plot Plan Rev A dated 31/10/2017
Proposed Ground Floor Plan - Rev C dated 31/10/2017
Proposed First Floor Plan - Rev C - dated 31/10/2017
Proposed Elevations - Rev C dated 31/10/17
Proposed Cross Section 'AA' - dated 22/09/2017
Proposed Roof Plan Rev A - dated 31/10/2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 and DEV 19 of the Arun District Local Plan.
- 3 The materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing buildings.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the

National Planning Policy Framework.